

The Gazette



of India

PUBLISHED BY AUTHORITY

No. 37] NEW DELHI, SATURDAY, DECEMBER 16, 1950**NOTICE**

The undermentioned Gazettes of India Extraordinary were published during the week ending the 13th December 1950 :—

S. No.	No. and Date	Issued by	Subject
1	S. R. O. 998, dated the 2nd December 1950.	Ministry of Finance (R. & E. Deptt.).	The Part B States (Taxation Concessions) Order, 1950.
	S. R. O. 999, dated the 2nd December 1950.	Ditto . . .	The Taxation Laws (Part B States) (Removal of Difficulties) Order, 1950.
2	S. R. O. 1000, dated the 2nd December 1950	Ministry of Agriculture.	Fixation of maximum price of gur in specified States.
3	S. R. O. 1001, dated the 6th December 1950.	Ditto . . .	Minimum price to be paid by a producer of sugar by vacuum pan process on or after 1st November 1950
	S. R. O. 1002, dated the 6th December 1950	Ditto . . .	Fixation of ex-factory price for ISS E 27 grade of crystal sugar produced on or after 1st November 1950.
	S. R. O. 1003, dated the 6th December 1950.	Ditto . . .	Fixation of maximum price of Khand-sari sugar in certain States.
4	S. R. O. 1031, dated the 7th December 1950.	Ministry of Law.	The Scheduled Areas (Part B States) Order, 1950.
5	S. R. O. 1032, dated the 8th December 1950.	Ministry of Industry and Supply.	Textile Commissioner's Notification No. S.R.O. 874.
	S. R. O. 1033, dated the 8th December 1950.	Ditto . . .	Clause 14 (1) of the Cotton Control Order, 1950.
	S. R. O. 1034, dated the 8th December 1950.	Ditto . . .	Clause 20 of the Cotton Control Order, 1950.
	S. R. O. 1035, dated the 8th December 1950.	Ditto . . .	Clause 18 of the Cotton Control Order, 1950.
	S. R. O. 1036, dated the 8th December 1950.	Ditto . . .	Clause 3(1) of the Cotton Control Order, 1950.
	S. R. O. 1037, dated the 8th December 1950.	Ditto . . .	Appointment of certain persons in a Committee.
6	S. R. O. 1038, dated the 8th December 1950.	Ministry of Agriculture.	Fixation of minimum price to be paid by a producer of sugar by vacuum process.
	S. R. O. 1039, dated the 8th December 1950.	Ditto . . .	Fixation of ex-factory price of sugar E-27 grade of crystal sugar.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 11th December 1950

S.R.O. 1041.—In exercise of the powers conferred by sub-section (1) of section 213 of the Indian Merchant Shipping Act, 1923, (XXI of 1923), the Central Government is pleased to direct that the following further amendments shall be made in the Indian Pilgrim Ships Rules, 1933, the same having been previously published as required by sub-section (3) of the said section, namely:—

In the said Rules—

- (1) in sub-rule (1) of rule 124, for the words "the Central Government", the words "the Government of the State concerned" shall be substituted,
- (2) in sub-rule (1) of rule 125 for the words "the Central Government", the words "the Government of the State concerned" shall be substituted.

[No. 454-AWT.]

S.R.O. 1042.—The following draft of a further amendment to the Indian Pilgrim Ships Rules, 1933, which it is proposed to make in exercise of the powers conferred by sub-section (1) of section 213 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), is published as required by sub-section (3) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 20th January, 1951

Any objection or suggestion which may be received from any person with respect to the said draft before the specified date will be considered by the Central Government.

Draft Amendment

Rule 1 of the said rules shall be re-numbered as sub-rule (1) of that rule and after the sub-rule as so re-numbered, the following sub-rule shall be inserted, namely:—

"(2) They extend to the whole of India."

[No. 457-AWT.]

LEILAMANI NAIDU, Dy. Secy.

MINISTRY OF STATES

New Delhi, the 6th December 1950

S.R.O. 1043.—In pursuance of clause (1) of article 239 of the Constitution, the President is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Ministry of States No. 104-J, dated 24th August 1950, namely:—

In Schedule I to the said notification, against the entry relating to the Indian Forest Act 1927 (XVI of 1927), for the words "Sub-section (3) of Section 1" the word "All" shall be substituted.

[No. 146-J]

S.R.O. 1044.—In exercise of the powers conferred by section 2 of the Part C States (Laws) Act, 1950 (XXX of 1950), the Central Government is pleased to extend to the State of Vindhya Pradesh the Central Provinces and Berar Regulation of Letting of Accommodation Act, 1946 (Central Provinces and Berar Act XI of 1946) as in force for the time being in Madhya Pradesh subject to the modification specified in the Schedule annexed hereto.

2 The Rewa State Rent Control Ordinance, 1946, shall stand repealed with effect from the date on which the Central Provinces and Berar Regulation of Letting of Accommodation Act, 1946 comes into force in Vindhya Pradesh.

1. For sub-sections (2) and (3) of Section 1 the following shall be substituted, namely:—

(2) It extends to the whole of the State of Vindhya Pradesh.

(3) It shall come into force on some date as the Chief Commissioner of Vindhya Pradesh may, by notification in the Official Gazette, direct.

2. For Section 3 the following shall be substituted, namely:—

3. Every order made or action taken under the Rewa State Rent Control Ordinance, 1946, shall continue in force and be deemed to have been made or taken under this Act until superseded or modified by an order made or action taken under this Act.

CENTRAL PROVINCES AND BERAR ACT NO. XI OF 1946.

THE CENTRAL PROVINCES AND BERAR REGULATION OF LETTING OF ACCOMMODATION ACT, 1946.

(Received the assent of the Governor-General on the 28th September 1946; assent first published in the Central Provinces and Berar Gazette, extraordinary on the 1st October 1946.)

An act to provide for Regulating the Letting and Sub-letting of Accommodation in the Central Provinces and Berar.

Preamble.—WHEREAS it is expedient to make provision for regulating the letting and sub-letting of accommodation and other ancillary matters hereinafter specified;

It is hereby enacted as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be cited as the Central Provinces and Berar Regulation of Letting of Accommodation Act, 1946.

(2) It extends to the whole of the Central Provinces and Berar.

(3) It shall come into force on the 1st October 1946 and shall remain in operation for a period of one year.

2. *Regulation of letting and sub-letting etc.*—The Provincial Government, may by general or special order which shall extend to such areas as the Provincial Government may, by notification, direct, provide for regulating the letting and sub-letting of any accommodation or class or classes of accommodation whether residential or non-residential, whether furnished or unfurnished and whether with or without board and in particular,—

(a) for controlling the lets for such accommodation either generally or when let to specified persons or classes of persons or in specified circumstances,

(b) for preventing the eviction of tenants or sub-tenants from such accommodation in specified circumstances,

(c) for requiring such accommodation to be let either generally, or to specified persons or classes of persons, or in specified circumstances, and

(d) for collecting any information or statistics with a view to regulating any of the aforesaid matters.

3. *Continuance of orders.*—Every order made under sub-rule (2) of rule 81 of the Defence of India Rules in respect of any of the matters specified in section 2, which having been notified in the official Gazette was in force immediately before the commencement of this Act shall, so far as it could validly have been made by the Provincial Government under the said section continue in force and be deemed to have been made under that section until it is superseded or modified by the Provincial Government under the provisions of this Act and action taken under any such order shall also continue in force until superseded or modified by competent authority.

4. *Attempts, etc. to contravene orders.*—Any attempt to contravene any order made or deemed to be made under section 2 shall be deemed to be a contravention of that order.

5. No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by the person aggrieved by such offence or by a person who is a public servant as defined in section 21 of the Indian Penal Code.

6. *Effect of orders inconsistent with other enactments.*—Any order made or deemed to be made under section 2 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

7. *Jurisdiction of civil courts and revenue officers.*—No Civil court, tribunal, or revenue officer, other than an officer or authority empowered under an order made or deemed to be made under section 2 shall have any jurisdiction by way of appeal or revision in respect of any order passed by any authority empowered in that behalf by any such order in respect of any matter specified in section 2.

8. *Punishment.*—If any person contravenes any order made under this Act, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

[No. 147-J.]

New Delhi, the 7th December 1950

S.R.O. 1045.—In exercise of the powers conferred by section 2 of the Central Provinces and Berar Regulation of Letting of Accommodation Act, 1946 (Central Provinces and Berar Act XI of 1946) as extended to Vindhya Pradesh, the Central Government is pleased to make the following Order, namely:—

THE VINDHYA PRADESH LETTING OF HOUSES AND RENT CONTROL ORDER 1950.

CHAPTER I—PRELIMINARY

1. (1) This Order may be called the Vindhya Pradesh Letting of Houses and Rent Control Order, 1950.

(2) The Order or any specified chapter thereof shall extend to such areas as the Chief Commissioner may, from time to time, by notification, direct.

2. In this Order, unless there is anything repugnant in the subject or context,—

(1) "Controller" means an officer appointed to exercise the powers of a Controller under this Order;

(2) "Displaced person" means any person who, on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or fear of such disturbances in any area now forming part of Pakistan, has been displaced from or has left his place of residence in such area after the 1st day of March, 1947, and who has subsequently been residing in India;

(3) "house" means a building or part of a building whether residential or non-residential, and includes—

(a) the garden, grounds and outhouses (if any) appurtenant to such building or part of a building, and

(b) any furniture supplied by the landlord for use in such building or part of a building;

(4) "landlord" includes the person who is receiving or is entitled to receive the rent of a house whether on his own account or on behalf of himself and others or as an agent or trustee, or who would so receive the rent or be entitled to receive the rent if the house were let to a tenant; and

(5) "tenant" means any person by whom or on whose account rent is payable for a house and includes a sub-tenant and a person continuing in possession after the term of his tenancy has expired.

CHAPTER II—FIXATION OF RENT AND OTHER TERMS

3. For any area within his jurisdiction to which this chapter is extended, the Deputy Commissioner shall appoint an officer, being a gazetted officer, to be Controller.

4. When on a written application by the landlord or tenant, the Controller has reason to believe that the rent of any house within his jurisdiction is insufficient or excessive, as the case may be, he shall hold such enquiry as may be necessary and record a finding.

5. If, on a consideration of all the circumstances of the case, including any amount paid or to be paid by the tenant by way of premium or any other like sum in addition to rent, the Controller finds that the rent of the house is insufficient

or excessive as the case may be, he shall determine the fair rent to be charged for the house

6 (1) In determining the fair rent under clause 5 of a house constructed before the 1st April 1940 and occupied wholly or mainly for purposes of residence, the Controller shall have due regard to the prevailing rates of rent for the same or a similar house in similar circumstances during the twelve months immediately before that date and to the rental value as entered in the Municipal or Local Board Assessment Registers if any as the case may be relating to that period and may increase the rent so determined up to 12½ per cent if he is satisfied that the house has been maintained by the landlord in a proper state of repair

(2) In determining the fair rent under clause 5 of a house constructed after the 1st April 1940 and occupied wholly or mainly for purposes of residence, the Controller shall have due regard to the prevailing rates of rent for the same or a similar house in similar circumstances and also to any general increase in the cost of sites and building construction

7 (1) In determining the fair rent under clause 5 of a house constructed before the 1st April 1940 and occupied wholly and mainly for non-residential purposes, the Controller shall have due regard to the prevailing rates of rent for the same or a similar house in similar circumstances during the twelve months immediately before that date and may, after considering any general rise in the rental values for business or other similar purposes increase the rent so determined up to 50 per cent if he is satisfied that the house has been maintained by the landlord in a proper state of repair

Provided that where a house has been let for educational purposes the increase shall not exceed 12½ per cent

(2) In determining the fair rent under clause 5 of a house constructed after the 1st April 1940 and occupied wholly or mainly for non-residential purposes, the Controller shall have due regard to the prevailing rates of rent for the same or a similar house for similar purposes and also to any general increase in the cost of sites and building construction

8 Subject to the provisions of clauses 9, 10 and 11, when the Controller has determined the fair rent of a house—

- (a) the landlord shall not claim or receive any premium or other like sum in addition to rent, or any rent in excess of such fair rent, but the landlord may stipulate for the payment of such rent in advance each month,
- (b) any agreement for the payment of any sum in addition to rent or of rent in excess of such fair rent shall be null and void in respect of such addition or excess and shall be construed as if it were an agreement for the payment of the fair rent,
- (c) any sum paid in excess of the fair rent, whether before or after the commencement of this chapter but within the twelve months next before the date of order determining the fair rent, shall be refunded to the person by whom it was paid or at the option of such person otherwise adjusted

9 After an order determining a fair rent has been passed the landlord may increase the rent so determined only where some addition improvement or alteration, not included in necessary repairs or repairs which are usually made to houses in the area to which this chapter is extended has been carried out at the landlord's expense

Provided that such increase in rent shall not exceed 7½ per cent per annum on the cost of such addition improvement or alteration and shall be chargeable only from the date such addition improvement or alteration is completed

10 If on the date on which this Chapter is extended to any area the rent of any house includes—

- (a) a licence or for errancy tax
- (b) a tax for the construction and maintenance of public latrines,
- (b-1) a tax payable to a local authority by the owners of buildings or lands situate within the limits of such local authority with reference to the gross annual letting value of the buildings or lands,
- (c) a ground rent,

and if the amount of any such tax charge, rate or ground-rent is enhanced on or after that date then notwithstanding anything contained in the preceding clauses, the landlord may increase the rent by an amount equal to the sum by which such tax, charge, rate or ground-rent is enhanced

11. If the tax or rent payable in respect of the land under or appurtenant to a house is enhanced after the extension of this chapter, then notwithstanding anything contained in the preceding clauses, the landlord may increase the rent of the house in the following manner, namely:—

- (a) if the landlord holds the said land as a proprietor in possession or as a tenant he may increase the house rent by an amount equal to the sum by which the land revenue in respect of the said land has been enhanced;
- (b) if the landlord holds the said land as a proprietor of the land or as a tenant as defined in the Rewa State Land Revenue and Tenancy Code or any corresponding law in force in any of the integrating States of Vindhya Pradesh, he may increase the house rent by an amount equal to the sum by which the rental assessment or rent in respect of the said land has been enhanced, and
- (c) if the landlord holds the said land under a lease by the terms of which the lease money may be enhanced if the land revenue is enhanced, then he may increase the house rent by an amount equal to—
 - (i) the sum by which the land revenue has been enhanced in the case of land held by the person responsible for the payment of land revenue as a proprietor in possession or as a tenant;
 - (ii) the sum by which the rent of the land has been enhanced in the case of land held by a person as a tenant under the Rewa State Land Revenue and Tenancy Code or any corresponding law in force in any of the integrating States of Vindhya Pradesh; and
 - (iii) the sum by which the rental value of the land has been enhanced in the case of land held by the person responsible for payment of land revenue as a proprietor of the land;

Provided that if there are more houses than one on such land, then the landlord may increase the rent of each house in a fair and equitable manner but not so that the aggregate increase in such rents shall exceed the amount by which the land revenue, rent or rental value, as the case may be, is enhanced.

12. Any dispute between the landlord and the tenant in regard to any increase of rent claimed under clauses 9, 10 and 11 shall be decided by the Controller.

12-A. No person being a tenant shall sublet any portion of the accommodation under his occupation except in pursuance of a condition in the lease deed executed in favour of the tenant or with the written consent of the landlord.

For the purpose of this clause the expression "tenant" shall not include a "sub-tenant".

13. (1) No landlord shall, except with the previous written permission of the Controller,—

- (a) give notice to a tenant determining the lease or determine the lease if the lease is expressed to be determinable at his option; or
- (b) where the lease is determinable by efflux of the time limited thereby, require the tenant to vacate the house by process of law or otherwise if the tenant is willing to continue the lease on the same terms and conditions.

(2) A landlord who seeks to obtain permission under sub-clause (1) shall apply in writing to the Controller in that behalf:

Provided that where the tenancy is for a specified period agreed upon between the landlord and the tenant, no application under items (vii), (viii) and (ix) of sub-clause (3) shall be entertained by the Controller before the expiry of such period.

(3) If after hearing the parties the Controller is satisfied—

- (i) that on the date of filing the application the tenant was in arrears of rent for any aggregate period of three months and that he failed to deposit with the Controller the amount of arrears ordered to be deposited by the Controller within such time as may be fixed by him;
- (ii) that the tenant is habitually in arrears with the rent; or
- (iii) that the tenant has without the written permission of the landlord sublet the entire house or any portion thereof; or
- (iv) that the tenant has used the house or premises or any part thereof for a purpose other than that for which it was leased; or
- (v) that the tenant has secured alternative accommodation, or has left the area for continuous period of four months and does not reasonably need the house; or

- (vi) that the landlord needs the house or a portion thereof for the purpose of—
 - (a) his bonafide residence, provided he is not occupying any other residential house of his own in the city or town concerned; or
 - (b) his bonafide residence on medical grounds whether or not he is occupying any other residential house of his own; or
 - (c) a bonafide business of his own which he intends to start or is already carrying on in the city or town concerned; or
- (vii) that the landlord desires to make essential repairs or alterations which cannot be made without the tenant vacating the house; or
- (viii) that the tenant has committed or is committing such acts of waste as are likely to impair materially the value or utility of the house; or
- (ix) that the tenant has committed a nuisance;

Explanation.—For the purpose of this item nuisance means any act or omissions which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to the health of a neighbour or to property;

he shall grant the landlord permission to give notice to determine the lease as required by sub-clause (1).

(4) Where the landlord who has obtained possession of a house or a portion thereof in pursuance of the permission granted by the Controller under sub-clause (1) on the ground specified in item (vi) of sub-clause (3), does not himself occupy it without good cause, for the purpose specified in such ground within one month of the date of obtaining possession, the tenant who has been evicted may apply to the Controller for an order directing that he shall be restored possession of the house or a portion thereof and the Controller shall make an order accordingly.

(5) Where the landlord has obtained possession of a house or a portion thereof in pursuance of the permission granted by the Controller under sub-clause (1) on the ground specified in item (vi) of sub-clause (3), he shall not let the said house or portion thereof to any person other than the evicted tenant except with the previous approval in writing of the Controller in that behalf.

(6) When the landlord applies for approval under sub-clause (5) the controller shall issue notice to the evicted tenant, and if the said tenant agrees to take the house or portion thereof on fair rent the Controller shall refuse to give his approval to the landlord to let the house or portion thereof to any other person.

(7) Where the landlord has obtained possession of a house or portion thereof in pursuance of the permission granted by the Controller under sub-clause (1) on the ground specified in item (vii) of sub-clause (3), he shall, after the repairs or alterations have been made, restore possession of the house or portion thereof on the same conditions as before to the tenant who vacated it and shall not let the same to any other person or occupy it himself unless such tenant has waived in writing his claim to have such possession restored to him.

(8) When a landlord applies to the Controller under item (vii) of sub-clause (3), the Controller shall enquire into the needs of the landlord and if on enquiry the Controller is satisfied that the needs of the landlord will be met by the occupation of a portion of the house he shall give permission in respect of such portion only.

(9) The Controller shall summarily reject any application made under sub-clause (2) which raises substantially the same issues as have been finally decided under the provisions of this Order in a former proceeding between the same parties or between parties under whom they or any of them claim.

14. No landlord shall interfere with the electric fittings, water connections or the structure of the house so as to affect materially the enjoyment of the house by the tenant.

14-A. No landlord shall, except with the previous written permission of the Controller, take any steps for discontinuing the supply of water or electricity to a house under occupation of a tenant.

15. No tenant shall convert a residential house or any portion thereof into a non-residential house except with the written consent of the landlord and the written approval of the Controller.

16. (1) If a landlord fails to make necessary repairs to a house, electric installation or water connections within a reasonable time after notice given by the tenant, the Controller may, by an order made on application by the tenant containing, *inter alia*, an approximate estimate of expenses required for the repairs, direct that such repairs as may be specified in the order, may be made by the tenant and the cost thereof deducted from the rent payable by him to the landlord.

(2) If the Controller, on an application by the tenant, is satisfied that the house requires repairs urgently, he may, after due notice to the landlord, direct that such repairs, as may be specified in the order, may be made by the tenant and the cost thereof deducted from the rent payable by him to the landlord.

17. If the landlord fails to pay taxes or other charges which he is bound to pay, the tenant may pay them and, after giving notice in writing to the landlord, deduct from his rent the sums so paid.

18. (1) Every landlord shall, at the time of receiving the rent, give a receipt to the tenant bearing full particulars of the month to which the rent pertains and the amount received.

(2) If any landlord refuses to give a receipt in accordance with sub-clause (1), the tenant may send him the rent due by postal money order, deducting the money order commission.

(3) Nothing in sub-clause (2) shall be construed as exempting a landlord so refusing from prosecution for a contravention of the provisions of sub-clause (1).

18A. (1) Every written application to the Controller shall be accompanied by as many true copies thereof on the plain paper as there are non-applicants.

(2) Every notice issued by the Controller to the parties, shall be by registered post.

(3) Every notice issued by the Controller to a non-applicant shall be accompanied by a copy of the written application filed before him.

(4) Every notice referred to in sub-clause (3) shall specify a date before which the non-applicant shall file a reply to the application before the Controller.

(5) In the event of an adjournment, which is rendered necessary on account of any default of either party, the Controller may direct the defaulting party to pay the costs of the other party occasioned by the adjournment.

19. In any proceeding before the Controller, any party may appear by an agent authorised in writing.

20. (1) The costs of an incident to any proceeding under this Chapter shall be in the discretion of the Controller, and he shall have full power to determine by whom and to what extent such costs are to be paid, and to give all necessary directions for the purposes aforesaid.

(2) Where the Controller directs that any costs shall not follow the event, he shall state his reasons in writing.

21. (1) Any person aggrieved by an order of the Controller may, within fifteen days from the date on which the order is communicated to him, present an appeal in writing to the Deputy Commissioner of the district:

Provided that in computing the period prescribed above, the time properly taken in obtaining a copy of the order complained of shall be excluded.

(1-A) Every petition for appeal shall be accompanied by a certified copy of the order to which objection is made unless the authority to which the petition is made, dispenses with its production.

(2) The Deputy Commissioner shall then send for the record of the case from the Controller, and after perusing such record and making such further enquiry as he may think fit either personally or through the Controller, shall decide the appeal.

(3) The decision of the Deputy Commissioner, and subject only to such decision, an order of the Controller shall be final and no further appeal or revision or application for review shall lie from such decision to any authority whatsoever.

21-A (1) The Chief Commissioner may by notification invest any officer with the powers of a Deputy Commissioner, under clause 21.

(2) The Deputy Commissioner may transfer any appeal to such officer for disposal, and his decision shall have effect as if the case had been decided by the Deputy Commissioner.

CHAPTER III—COLLECTION OF INFORMATION AND LETTING OF ACCOMMODATION.

22. (1) Every landlord of a house situate in an area to which this chapter extends, shall—

(a) within seven days from the date of the extension of this chapter, if the house is vacant on such date; or

(b) within seven days from the date on which the landlord becomes finally aware that the house will become vacant or available for occupation

by himself or for other occupation on or about a specified date; give intimation of this fact to the Deputy Commissioner of the district in which the area is included or such other officer as may be specified by him, in the Form given in the Schedule appended to this Order, and shall not let or occupy the house except in accordance with clause 23.

(2) No person shall occupy any house in respect of which this chapter applies except under an order under sub-clause (1) of clause 23 or clause 24 or on an assurance from the landlord that the house is being permitted to be occupied in accordance with sub-clause (2) of clause 23.

23. (1) On receipt of the intimation in accordance with clause 22, the Deputy Commissioner may, within fifteen days from the date of receipt of the said intimation, order the landlord to let the vacant house to any person holding an office of profit under the Government, or to a displaced person if the same is not required for any person holding an office of profit under the Government and thereupon notwithstanding any agreement to the contrary, the landlord shall let the house to such person and place him in possession thereof immediately, if it is vacant or as soon as it becomes vacant.

Provided that if the landlord has, in the intimation given under clause 22, stated that he needs the house for his own occupation, the Deputy Commissioner shall, if satisfied after due enquiry that the house is so needed, permit the landlord to occupy the same.

(2) If no order is passed and served upon the landlord within the period specified in sub-clause (1), he shall be free to let the vacant house to any person.

24. If a house is vacant or becomes vacant after the date this chapter is extended to the area in which it is situate and no intimation of vacancy is received in respect of it as provided in clause 22 by the Deputy Commissioner or the specified officer, then without prejudice to any proceedings for the contravention of clause 22, the Deputy Commissioner may order the landlord to let the same forthwith to a person holding an office of profit under the Government, or to a displaced person if the same is not required for any person holding an office of profit under the Government and on receipt of such order the landlord shall comply with the order.

24-A. Notwithstanding anything contained in clause 23 or clause 24, the Deputy Commissioner may, on information received to the effect that a house is likely to become vacant or available for occupation by a particular date, pass any order requiring the landlord of such house to let the same to a person holding an office of profit under the Government, or to a displaced person if the same is not required for any person holding an office of profit under the Government, and such order shall be complied with by the landlord unless the house does not become vacant or available for occupation within one month from the date of receipt by him of the order of the Deputy Commissioner or the landlord applies for the cancellation of the said order stating his grounds thereof.

24-B. (1) Where a house is allotted to a person under clause 23, he shall be liable to pay rent therefor from the date of vacation of the house as specified in the intimation given under clause 22.

(2) In the event of the house not being available for occupation on the date specified, such person shall be liable to pay rent therefor from the date after the aforesaid date on which it becomes available for occupation.

25. The tenancy of any person holding an office of profit under the Government and placed in possession of a house by an order under clause 23 or 24-A, shall terminate on the date of the transfer of, or grant of leave other than casual leave to, such person and the said person shall vacate the said house within seven days of such date and the landlord and tenant shall give the intimation prescribed in clause 22 to the Deputy Commissioner in respect of such house.

Provided that on sufficient cause being shown to the Deputy Commissioner, he may, in his discretion, extend the tenancy by a period not exceeding one month.

26. No person placed in possession of a house in accordance with an order under clause 23, 24 or 24-A shall sublet any portion of the accommodation under his occupation except with the written permission of the Deputy Commissioner and the landlord.

27. Every order passed under sub-clause (1) of clause 23 or clause 24 or clause 24-A, shall, in the case of a corporation or firm, be served or be caused to be served in the manner provided for the service of a summons in rule 2 of Order XXIX or rule 3 of Order XXX as the case may be in the First Schedule to the Code of Civil Procedure, 1908 (V of 1908), and in the case of an order

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affecting an individual person (not being a corporation or firm) it shall be served or caused to be served on that person—

- (i) personally, by delivering or tendering to him the order, or
- (ii) by post, or
- (iii) where the person cannot be found, by leaving an authentic copy of the order with some adult male member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for gain.

CHAPTER IV—SUPPLEMENTAL

28. The Deputy Commissioner may take or cause to be taken such steps and use or cause to be used such force as may, in his opinion, be reasonably necessary for the purpose of securing compliance with, or for preventing or rectifying any contravention of this Order or for the effective exercise of such power.

29. The Deputy Commissioner may by order empower any officer subordinate to him not below the rank of a Magistrate of the First class exercise any power conferred on him under clauses 23, 24, 25 and 28 in such circumstances and under such conditions, if any, as may be specified in the order.

30. Notwithstanding anything contained in this Order, the Chief Commissioner may, by notification in the Official Gazette, exempt any house or class of houses or any person or class of persons from all or any of the provisions of this Order.

THE SCHEDULE

(See Clause 22)

1. Name and municipal number (if any) of the building.
2. Name and full address of the landlord.
3. Date of vacation.
4. Whether whole building or portion of the building.
5. Exact situation (In detail)
6. Whether single storied or more.
7. Number of rooms and verandahs vacant.
8. Whether electrified or not.
9. Whether served by tap connection or well
10. Whether has a garden or compound or not
11. Whether it is proposed to re-let the building or portion thereof; and if so, to whom.
12. Other information, if necessary.
13. Amount of rent last paid.

[No. 152-J]

A. N. SACHDEV, Under Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)

HEADQUARTERS ESTABLISHMENT

New Delhi, the 30th November, 1950

S.R.O. 1046.—In continuation of the Ministry of Finance (Revenue Division) Notification No. 43-Headquarters Establishment, dated the 23rd September 1950, the following notification by the Income-tax Investigation Commission is published for general information:—

“NOTIFICATION

It is notified for general information that the Income-tax authority mentioned in column (1) of the table attached to this notice has been authorised by the Income-tax Investigation Commission, without prejudice to his regular duties, to

execute the powers of authorised official under section 6 of the Taxation on Income (Investigation Commission) Act, 1947, and that under the provisions of the said Act, any person (including a person whose case is not under investigation) who is required by him in the course of his investigation,

- (1) to produce accounts or documents; and/or
- (2) to give information in respect of such accounts, or documents; and/or
- (3) to attend in person and answer question on oath; and/or
- (4) to make or prepare statements on oath giving information on specified matters,

shall be bound to comply with his requirements notwithstanding anything in any law to the contrary. Failure to comply with his requirements may amount to an offence under Chapter X of the Indian Penal Code.

Name of the Income-tax authority.

Mr. P. S. Bagadthey

Address of the Headquarters Office of the Income-tax authority.

Officer on Special Duty, Income-tax Investigation Commission, Central Secretariat, North Block, New Delhi.

[No. 48.]

H. S. RAMASWAMI,

Secretary,

Income-tax Investigation Commission."

A. V. VENKATESWARAN, Dy. Secy.

CENTRAL EXCISES

New Delhi, the 16th December 1950.

S.R.O. 1047.—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (I of 1944), the Central Government is pleased to direct that the following further amendment shall be made in the Central Excise Rules, 1944, namely:—

In the said Rules—

For sub-rule (2) of rule 1, the following sub-rule shall be substituted, namely:—

"(2) They extend to the whole of India except the State of Jammu and Kashmir."

[No. 27.]

D. P. ANAND, Dy. Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 16th December 1950

S.R.O. 1048.—In pursuance of sub-section (4) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922), and in partial modification of its Notification No. 32 Income-tax dated the 9th November, 1946, the Central Board of Revenue directs that the Appellate Assistant Commissioner of Income-tax, Kanpur, shall also and the Appellate Assistant Commissioner of Income-tax, Meerut shall not, perform his functions in respect of Messrs Girdhari Lal Pearcey Lal, Muzaftarnagar, for their Income-tax appeal No. 51/210 against 1947-48 assessment

[No. 144.]

PYARE LAL, Secy.

MINISTRY OF INDUSTRY AND SUPPLY

New Delhi, the 12th December 1950

S.R.O. 1049.—In exercise of the powers conferred by section 22 of the Supply and Prices of Goods Ordinance, 1950 (XXVI of 1950), the Central Government is pleased to direct that the powers conferred on it by sub-section (2) of section 19 of the said Ordinance, shall, subject to any general or special order of the Central Government, be exercisable also by the Joint Director of Industries and Commerce, Madras.

ORDER

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

[No. PC-2(14)/50.]

S.R.O. 1050.—In exercise of the powers conferred by section 22 of the Supply and Prices of Goods Ordinance, 1950 (XXVI of 1950), the Central Government is pleased to direct that the powers conferred on it by clause (a) of section 13 of the said Ordinance shall, subject to any general or special order of the Central Government, be exercisable also in the State of Madras by the Officers specified in column 1 of the Schedule hereto annexed within the territorial limits specified in the corresponding entry in column 2 thereof.

THE SCHEDULE

<i>Designation of Officers</i>	<i>Territorial Limits</i>
The Commissioner of Civil Supplies.	The whole of the State of Madras.
All Collectors.	Within their respective Districts.

ORDER

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

[No. PC-2(14)/50.]

S.R.O. 1051.—In exercise of the powers conferred by section 22 of the Supply and Prices of Goods Ordinance, 1950 (XXVI of 1950), the Central Government is pleased to direct that the powers conferred on it under the said Ordinance and specified in column 2 of the Schedule hereto annexed shall, subject to any general or special order of the Central Government, be exercisable also within their

respective jurisdictions by the officers and authorities specified in the corresponding entry in column 1 of the said Schedule.

THE SCHEDULE

<i>Officers and Authorities</i>	<i>Powers</i>
The Director of Civil Supplies in the State of Madhya Bharat.	Powers under clause (a) of section 13.
The Deputy Director of Civil Supplies in the State of Madhya Bharat.	Powers under clauses (a) and (b) of section 13 and sub-section (2) of section 19.
The Director of Civil Supplies, Himachal Pradesh.	Powers under sub-section (1) of section 10 and sub-section (2) of section 19.
All District Magistrates in the State of Himachal Pradesh.	Powers under sub-section (1) of section 10, clause (b) of section 13 and sub-section (2) of section 19.

ORDER

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

[No. PC-2(14)/50.]

S.R.O. 1052.—In exercise of the powers conferred by section 22 of the Supply and Prices of Goods Ordinance, 1950 (XXVI of 1950), the Central Government is pleased to direct that the powers conferred on it under the said Ordinance and specified in column 2 of the Schedule hereto annexed shall, subject to any general or special order of the Central Government, be exercisable also within their respective jurisdictions by the authorities specified in the corresponding entry in column 1 of the said Schedule.

THE SCHEDULE

<i>Authorities</i>	<i>Powers</i>
All Assistant Enforcement Officers in the State of Rajasthan.	Sub-section (2) of section 19.
All Enforcement Inspectors of the Civil Supplies Department of the State of Rajasthan.	
All Deputy Commissioners in the State of Vindhya Pradesh.	Sub-section (1) of section 10 and clause (a) of section 13.
The Director of Food and Civil Supplies in the State of Vindhya Pradesh.	Sub-section (1) of Section 10, Clause (a) of section 13 and sub-section (2) of section 19.

ORDER

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the *Gazette of India*.

[No. PC-2(14)/50.]

S.R.O. 1053.—In pursuance of section 17 of the Supply and Prices of Goods Ordinance, 1950 (XXVI of 1950), the Central Government is pleased to empower the Officers specified in column 1 of the Schedule hereto annexed to sanction prosecutions under the said Ordinance, within the territorial limits specified in the corresponding entry in column 2 thereof.

THE SCHEDULE

<i>Designation of Officers</i>	<i>Territorial limits</i>
The Deputy Director of Civil Supplies in the State of Madhya Bharat.	The whole of the State of Madhya Bharat.
All District Magistrates in the State of Himachal Pradesh.	Within their respective Districts.

ORDER

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the Gazette of India.

[No. PC-2(14)/50.]

S.R.O. 1054.—In exercise of the powers conferred by sub-section (1) of section 16 of the Supply and Prices of Goods Ordinance 1950 (XXVI of 1950), the Central Government is pleased to authorise the officers specified in the Schedule hereto annexed, to exercise within their respective jurisdictions, the powers conferred by the said sub-section.

THE SCHEDULE

The Deputy Director of Civil Supplies in the State of Madhya Bharat.
All District Magistrates in the State of Himachal Pradesh.

ORDER

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat; Prime Minister's Secretariat; Secretary to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the Gazette of India.

[No. PC-2(14)/50.]

S.R.O. 1055.—In exercise of the powers conferred by sub-section (1) of section 16 of the Supply and Prices of Goods Ordinance 1950 (XXVI of 1950), the Central Government is pleased to authorise the Police Inspector, Manipur, to exercise the powers conferred by clauses (a) and (b) of the said sub-section, in the State of Manipur.

ORDER

ORDERED that a copy of the above Notification be communicated to all Governments of Parts A and B States (except Jammu and Kashmir); all Chief Commissioners of Part C States including Andaman and Nicobar Islands; all Ministries of the Government of India; Cabinet Secretariat, Prime Minister's Secretariat; Secretary

to the President; the Indian Trade Commissioners; all Indian Embassies; the High Commissioner for India, London; His Majesty's Trade Commissioner in India; all Chambers of Commerce and Associations; the Director General of Commercial Intelligence and Statistics, Calcutta; the High Commissioner for India in Pakistan, Karachi; the High Commissioner for Pakistan in India, New Delhi; the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the Gazette of India.

[No. PC-2(14)/50.]

S.R.O. 1056.—In exercise of the powers conferred by sections 4, 9, 10, 13 and 19 of the Supply and Prices of Goods Ordinance, 1950 (XXVI of 1950), and of all other powers enabling it in this behalf, the Central Government is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Ministry of Industry and Supply No. S.R.O. 501, dated the 2nd September, 1950, namely:—

In the schedule to the said notification, for the words and bracket "wattle extract and Quebracho" the words and bracket "and wattle extract" shall be substituted.

ORDER

ORDERED that a copy of the above Notification be communicated to all Governments of Part A and B States (except Jammu and Kashmir), all Chief Commissioners of Part C States including Andaman and Nicobar Islands, all Ministries of the Government of India, Cabinet Secretariat, Prime Minister's Secretariat, Secretary to the President, the Indian Trade Commissioners, all Indian Embassies, the High Commissioner for India, London, His Majesty's Trade Commissioner in India, all Chambers of Commerce and Associations, the Director General of Commercial Intelligence and Statistics, Calcutta, the High Commissioner for India in Pakistan, Karachi, the High Commissioner for Pakistan in India, New Delhi, the Secretary, Indian Tariff Board and the Secretary, Planning Commission.

ORDERED also that it be published in the Gazette of India.

[No. PC-5(1)/50.]

K. RAM, Dy. Secy.

MINISTRY OF AGRICULTURE

New Delhi, the 11th December 1950

S.R.O. 1057.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Power.) Act, 1946 (XXIV of 1946), the Central Government is pleased to take the following Order:—

1. *Short title, extent and commencement.*—(1) This Order may be called the Arable Land (Utilisation for Foodcrops). Order, 1950.

(2) It extends to the following Part C States:—

- i. Himachal Pradesh.
- ii. Vindhya Pradesh.
- iii. Bilaspur.
- iv. Tripura.
- v. Manipur.

(3) It shall come into force in any of the above mentioned Part C States on such date as the Chief Commissioner may, by notification in the Official Gazette, appoint.

2. Definitions:—In this Order—

- (a) 'Collector' means the Chief Officer in charge of the revenue administration of a district and includes a Deputy Commissioner and any officer specially appointed by the Chief Commissioner to perform the functions of the Collector under this Order.
- (b) 'Food Crop' means the crop of any cereal, gram, pulse, vegetables and includes the crop of any other article used as food which the Chief Commissioner may, by notification in the official gazette, specify;
- (c) 'holder of land' includes a lessee and a tenant.

3. Power of Collectors to cause crable land to be cultivated with foodcrops.—

(1) The Collector of a district may, for the purpose of increasing the cultivation of foodstuffs in the district, by notice in writing, call upon the holder of any arable land situated in the district which has not been cultivated during the cultivation season immediately preceding the date of the notice to cultivate such land by himself or through tenants with any food crop.

Provided that the Collector shall not issue any such notice in respect of any such land which, under any law for the time being in force is reserved in the year immediately preceding the date of the notice, for any of the following purposes;—

- (a) pasture land;
- (b) crushing floor;
- (c) irrigation tank; or
- (d) any other public purpose.

(2) Where the holder of any arable land satisfies the Collector within fourteen days from the date of the service of a notice issued under sub-clauses (1) that the land is not capable of being cultivated with any food crop or is being cultivated with a food crop, the Collector may cancel such notice.

(3) Subject to the provision of sub-clause (2), the holder of any arable land upon whom a notice is served under sub-clause (1) shall comply with such notice within a period of three months from the date of the service of such notice.

(4) The Collector may, on sufficient cause being shown from time to time, extend the time prescribed by sub-clause (2) or sub-clause (3).

(5) A notice under this clause may be served on the holder of any arable land by delivering or tendering to him a copy thereof:

Provided that where the holder of such land is not readily traceable or refuses to accept a copy of such notice, the notice may be served by affixing a copy thereof on the last known place of residence of such holder of land or on a conspicuous part of the land to which it relates.

4. Consequences of failure to comply with notices issued under clause (1)—

(1) Where the holder of any arable land has failed to comply with a notice issued under clause (1), the Collector may grant a lease of the land in respect of which the notice is issued to such person as he may deem fit.

(2) Every such lease shall ordinarily be for a period of three years and shall contain a condition that the land is leased for the cultivation of any food crop.

(3) The amount of lease money received by the Collector in respect of a lease granted under this clause shall, after deduction therefrom of the land revenue and any other dues of Government, be paid to the person or persons interested in the land by way of compensation.

Explanation.—Where such compensation is payable to more than one person, the Collector shall apportion the compensation among them in such manner as he may deem fit.

(4) Where a lessee fails to cultivate any land let to him under this clause with any food crop, the Collector shall forthwith terminate the lease and in such a case the lessee shall be liable for payment of such compensation to the Collector for the breach of the terms of the lease, as the Collector may determine.

(5) The amount of compensation determined under sub-clause (4) may be recovered from the lessee as an arrear of land revenue.

5. *Supervision and Control of Chief Commissioner.*—(1) The Chief Commissioner shall exercise supervision and control over all powers conferred upon Collectors by this Order and may revise any act or proceeding of any such Collector made under this Order.

(2) The Chief Commissioner may from time to time issue such instructions and directions for the guidance of Collectors for carrying out the provisions of this Order as he may deem fit.

[No. F. 1-29/50-GMF (CO.).]

DATAR SINGH, Addl. Secy.

New Delhi, the 7th December 1950

S.R.O. 1058.—The following draft of certain rules which it is proposed to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is published as required by the said section for the information of all persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after the 1st January, 1951.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

DRAFT GRADE SPECIFICATIONS AND GRADING & MARKING RULES FOR BRISTLES.

BRITISH GRADING AND MARKING RULES

1. *Short title and application.*—(i) These rules may be called the British Grading and Marking Rules, 1950.

(ii) They shall apply to bristles obtained from pigs, hogs and boars and produced in India.

2. *Grade designations.*—Grade designations to indicate the quality of bristles shall be as set out in column 1 of Schedules I to IX.

3. *Definition of quality.*—The quality indicated by the various grade designations shall be as set out against each designation in columns 2, 3 and 4 of schedules I to IX.

4. *Grade designation marks.*—The grade designation mark shall consist of a label bearing the design set out in Schedule X specifying the grade designation and the colour of the labels shall be the colour of the bristles.

5. *Method of Marking.*—A grade designation Mark label shall be securely affixed to each case in a manner approved by the Agricultural Marketing Adviser to the Government of India. In addition to the grade designation, the following particulars shall be clearly marked on the label:—

(i) Serial Number.

(ii) Type of bristles, i.e., Soft, Deshi (Semi-stiff-stiff), or Extra Stiff.

(iii) Name of packing station and country of origin.

(iv) Date and place of packing.

(v) Nett weight.

6. *Method of packing.*—(i) Bristles of the same grade designation shall be tied in bundles. Each bundle shall not be more than 2 inches in diameter.

(ii) Each case shall contain bristle bundles of the same grade designation.

(iii) The container for packing shall be a wooden case which shall be clean and dry.

(iv) The wooden case shall be lined with water proof paper and shall contain sufficient quantity of insecticide such as D.D.T. or naphthaline balls.

(v) The nett contents of each case shall be as under:—

Grades 6½" and over to 4½"25 lbs. or 50 lbs.
Grades 4½" to 2½"25 lbs. or 50 lbs.
Shorts or Riflings50 lbs. or 100 lbs.

(vi) Each case shall be securely covered with new gunny cloth, then strapped and sealed.

NOTE:—In this rule, the expressions "nett weight" and "nett contents" shall mean "the weight of the bristles without any wrapping or other additions, other than ties of cotton, hemp or other light material."

*Draft grade designations and definition of quality of Bristles known commercially as "Extra Stiff"
Bristles produced in India.*

(See Rules 2 & 3)

Grade designation	Special characteristics		General characteristics.
	Colour **	Length †	
1	2	3	4
6½" & over	White	6½" & over	The bristles shall be the natural product obtained from pigs, hogs or boars and shall be thoroughly washed, clean and dry in their natural colour and free from all foreign matter such as dust, dirt, ox or horse tail hair or vegetable fibres etc.
6"	Ditto	6"	
5½"	Ditto	5½"	
5½"	Ditto	5½"	
5"	Ditto	5"	
4½"	Ditto	4½"	
4½"	Ditto	4½"	
4½"	Ditto	4½"	
4"	Ditto	4"	
3½"	Ditto	3½"	
3½"	Ditto	3½"	
3½"	Ditto	3½"	
3"	Ditto	3"	
2½"	Ditto	2½"	
2½"	Ditto	2½"	
2½"	Ditto	2½"	
Shorts or Riflings	Ditto	Less than 2½"	

* Extra Stiff bristles are such bristles as are obtained from wild boars and are thicker and stiffer than "Deshi".

** The following color tolerances shall be allowed :—

- (a) In grades 6½" & over to 4½" non-whites shall not exceed 3%.
- (b) In grades 4½" to 2½" non-whites shall not exceed 6½%.
- (c) In Shorts/Riflings, non-whites shall not exceed 12½%.

† All bristles shall be "solid dressed" which term shall mean such dressing as to contain:—

- (i) Minimum of 85 per cent of the specified grade designation length (called "tops") the balance being made up of the next two lower grade lengths, in the case of grade designations 6½" and over to 4".
- (ii) Minimum of 75 per cent of the specified grade designation length (called "tops"); the balance being made up of the next two lower grade lengths, in the case of grade designations 3½" to 2½", and
- (iii) For grade 2½", a minimum of 75 per cent of bristles of 2½" length, the balance being made up of Shorts or Riflings.

**Draft grade designations and definition of quality of Bristles known commercially as "Extra Stiff"
Bristles produced in India.**

(See Rules 2 & 3)

Grade designation	Special characteristics		General characteristics.
	Colour **	Length †	
1	2	3	4
6½" & over	Black	6½" & over	The bristles shall be the natural product obtained from pigs, hogs or boars and shall be thoroughly washed, clean and dry in their natural colour and free from all foreign matter such as dust, dirt, ox or horse tail hair or vegetable fibres, etc.
6"	Ditto	6"	
5½"	Ditto	5½"	
5¼"	Ditto	5¼"	
5"	Ditto	5"	
4¾"	Ditto	4¾"	
4½"	Ditto	4½"	
4¼"	Ditto	4¼"	
4"	Ditto	4"	
3¾"	Ditto	3¾"	
3½"	Ditto	3½"	
3¼"	Ditto	3¼"	
3"	Ditto	3"	
2¾"	Ditto	2¾"	
2½"	Ditto	2½"	
2¼"	Ditto	2¼"	
Shorts or Riflings	Ditto	Less than 2¼"	

* Extra Stiff bristles are such bristles as are obtained from wild boars and are thicker and stiffer than "Deshi".

** The following colour tolerances shall be allowed :—

- (a) In grades 6½" & over to 4½" non-blacks shall not exceed 3%.
- (b) In grades 4½" to 2¼" non-blacks shall not exceed 6½%.
- (c) In Shorts/Riflings, non-blacks shall not exceed 12½%.

† All bristles shall be "solid dressed" which term shall mean such dressing as to contain:—

- (i) Minimum of 85 per cent of the specified grade designation length (called "tops") the balance being made up of the next two lower grade lengths, in the case of grade designations 6½" and over to 4".
- (ii) Minimum of 75 per cent of the specified grade designation length (called "tops") the balance being made up of the next two lower grade lengths, in the case of grade designations 3¾" to 2½", and
- (iii) For grade 2¼", a minimum of 75 per cent of bristles of 2¼" length, the balance being made up of Shorts or Riflings.

SCHEDULE III

*Draft grade designations and definition of quality of Bristles known commercially as *Extra Stiff Bristles produced in India.*

(See Rules 2 & 3)

Grade designation	Special characteristics		General characteristics.
	Colour **	Length †	
1	2	3	4
6½" & over	Grey	6½" and over	The bristles shall be the natural product obtained from pigs, hogs or boars and shall be thoroughly washed, clean and dry in their natural colour and free from all foreign matter such as dust dirt, ox or horse tail hair or vegetable fibres etc.
6"	Ditto	6"	
5½"	Ditto	5½"	
5½"	Ditto	5½"	
5"	Ditto	5"	
4½"	Ditto	4½"	
4½"	Ditto	4½"	
4½"	Ditto	4½"	
4"	Ditto	4"	
3½"	Ditto	3½"	
3½"	Ditto	3½"	
3½"	Ditto	3½"	
3"	Ditto	3"	
2½"	Ditto	2½"	
2½"	Ditto	2½"	
2½"	Ditto	2½"	
Shorts or Riflings	Ditto	Less than 2½"	

* Extra Stiff bristles are such bristles as are obtained from wild boars and are thicker and stiffer than "Deshi".

** All bristles which do not consist wholly of black or white bristles respectively shall be classed as "Grey". The 'Group' may also contain bristles of colours other than black and white.

† All bristles shall be "solid dressed" which term shall mean such dressing as to contain:—

- (i) Minimum of 85 per cent of the specified grade designation length (called "tops") the balance being made up of the next two lower grade lengths, in the case of grade designations 6½" and over to 4".
- (ii) Minimum of 75 per cent of the specified grade designation length (called "tops") the balance being made up of the next two lower grade lengths, in the case of grade designations 3½" to 2½", and
- (iii) For grade 2½", a minimum of 75 per cent of bristles of 2½" length, the balance being made up of Shorts or Riflings.

SCHEDULE IV

*Draft grade designations and definition of quality of Bristles known commercially as *Deshi Bristles produced in India*

(See Rules 2 & 3)

Special characteristics

Grade designation	Special characteristics		General characteristics
	Colour**	Length †	
1	2	3	4
6½" & over	White	6½" & over	The bristles shall be the natural product obtained from pigs, hogs or boars and shall be thoroughly washed, clean and dry in their natural colour and free from all foreign matter such as dust, dirt, ox or horse tail hair or vegetable fibres etc.
6"	Ditto	6"	
5½"	Ditto	5½"	
5¼"	Ditto	5¼"	
5"	Ditto	5"	
4½"	Ditto	4½"	
4¼"	Ditto	4¼"	
4"	Ditto	4"	
3½"	Ditto	3½"	
3¼"	Ditto	3¼"	
3"	Ditto	3"	
2½"	Ditto	2½"	
2¼"	Ditto	2¼"	
2"	Ditto	2"	
Shorts or Riflings	Ditto	Less than 2½"	

*Deshi (semi-stiff-stiff) bristles are such bristles as not falling under Soft and Extra Stiff

**The following colour tolerances shall be allowed :—

- In grades 6½" & over to 4½", non-whites shall not exceed 3%.
- In grades 4½" to 2½", non-whites shall not exceed 6½%.
- In Shorts/Riflings, non-whites shall not exceed 12½%.

†All bristles shall be "solid dressed" which term shall mean such dressing as to contain—

- Minimum of 85 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths, in the case of grade designations 6½" and over to 4",
- Minimum of 75 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths, in the case of grade designations 3½" to 2½", and
- For grade 2½", a minimum of 75 per cent of bristles of 2½" length, the balance being made up of Shorts or Riflings.

SCHEDULE V

*Draft grade designations and definition of quality of Bristles known commercially *Deshi Bristles produced in India*

(See Rules 2 & 3)

Special characteristics			
Grade designation	General characteristics		
	Colour **	Length†	
1	2	3	4
6½" & over	Blacks	6½" & over	The bristles shall be the natural product obtained from pigs, hogs, or boars and shall be thoroughly washed, clean and dry in their natural colour and free from all foreign matter such as dust, dirt, ox or horse tail hair or vegetable fibres, etc.
6"	Ditto	6"	
5½"	Ditto	5½"	
5"	Ditto	5"	
5"	Ditto	5"	
4½"	Ditto	4½"	
4½"	Ditto	4½"	
4½"	Ditto	4½"	
4"	Ditto	4"	
3½"	Ditto	3½"	
3½"	Ditto	3½"	
3½"	Ditto	3½"	
3"	Ditto	3"	
2½"	Ditto	2½"	
2½"	Ditto	2½"	
2½"	Ditto	2½"	
Shorts or Riflings	Ditto	Less than 2½"	

*Deshi (semi-stiff-stiff) bristles are such bristles as not falling under Soft and Extra Stiff.

**The following colour tolerances shall be allowed :—

- (a) In grades 6½" & over to 4½", non-blacks shall not exceed 3%.
- (b) In grades 4½" to 2½", non-blacks shall not exceed 6½%.
- (c) In Shorts/Riflings, non-blacks shall not exceed 12½%.

†All bristles shall be "solid dressed" which term shall mean such dressing as to contain :—

- (i) Minimum of 85 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths, in the case of grade designations 6½" and over to 4".
- (ii) Minimum of 75 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths, in the case of grade designations 3½" to 2½", and
- (iii) For grade 2½", a minimum of 75 per cent of bristles of 2½" length, the balance being made up of Shorts or Riflings.

SCHEDULE VI

Draft grade designations and definition of quality of Bristles known commercially as "Deshi Bristles produced in India"

(See Rules 2 & 3)

Special characteristics			
Grade designation			General characteristics
	Colour**	Length†	
1	2	3	4
6½" & over	Grey	6½" & over	The bristles shall be the natural product obtained from pigs, hogs or boars and shall be thoroughly washed, clean and dry in their natural colour and free from all foreign matter such as dust, dirt, ox or horse tail hair or vegetable fibres, etc.
6"	Ditto	6"	
5½"	Ditto	5½"	
5¼"	Ditto	5¼"	
5"	Ditto	5"	
4½"	Ditto	4½"	
4¼"	Ditto	4¼"	
4"	Ditto	4"	
3½"	Ditto	3½"	
3¼"	Ditto	3¼"	
3"	Ditto	3"	
2½"	Ditto	2½"	
2¼"	Ditto	2¼"	
2"	Ditto	2"	
Shorts or Rifings	Ditto	Less than 2"	

*Deshi (semi-stiff-stiff) bristles are such bristles as not falling under Soft and Extra Stiff.

** All bristles which do not consist wholly of black or white bristles respectively, shall be classed as "Grey".

The 'Group' may also contain bristles of colours other than black and white.

†All bristles shall be "solid dressed" which term shall mean such dressing as to contain:—

- (i) Minimum of 85 per cent of the specified grade designation length (called "tops") the balance being made up of the next two lower grade lengths, in the case of grade designations 6½" and over to 4",
- (ii) Minimum of 75 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths, in the case of grade designations 3½" to 2¼", and
- (iii) For grade 2½", a minimum of 75 per cent of bristles of 2½" length, the balance being made up of Shorts or Rifings.

SCHEDULE VII

*Draft grade designations and definition of quality of Bristles known commercially as *Soft Bristles produced in India*

(See Rules 2 & 3)

Grade designation	Special characteristics		General characteristics
	Colour**	Length †	
1	2	3	4
6½" & over	White	6½" & over	The bristles shall be the natural product obtained from pigs, hogs or boars and shall be thoroughly washed, clean and dry in their natural colour and free from all foreign matter such as dust, dirt, ox or horse tail hair or vegetable fibres, etc.
6"	Ditto	6"	
5½"	Ditto	5½"	
5¼"	Ditto	5¼"	
5"	Ditto	5"	
4½"	Ditto	4½"	
4¼"	Ditto	4¼"	
4"	Ditto	4"	
3½"	Ditto	3½"	
3¼"	Ditto	3¼"	
3"	Ditto	3"	
2½"	Ditto	2½"	
2¼"	Ditto	2¼"	
2"	Ditto	2"	
Shorts or Riflings	Ditto	Less than 2½"	

* Soft bristles are such bristles as are soft and thinner than "Deahi".

**The following colour tolerances shall be allowed :—

(a) In grades 6½" & over to 4½", non-whites shall not exceed 3%.

(b) In grades 4½" to 2½", non-whites shall not exceed 6½%.

(c) In Shorts/Riflings, non-whites shall not exceed 12½%.

†All bristles shall be "solid dressed" which term shall mean such dressing as to contain:—

(i) Minimum of 85 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths, in the case of grade designations 6½" and over to 4",

(ii) Minimum of 75 per cent of the specified grade designation length (called "tops") the balance being made up of the next two lower grade lengths, in the case of grade designations 3½" to 2½", and

(iii) For grade 2½", a minimum of 75 per cent of bristles of 2½" length, the balance being made up of Shorts or Riflings.

SCHEDULE VIII

*Definite classification of quality of Bristles known commercially as *Soft Bristles produced in India*

(See Rules 2 & 3)

Grade designation	Special characteristics		General characteristics
	Colour **	Length†	
1	2	3	4
6½" & over	Black	6½" & over	The bristles shall be the natural product obtained from pigs, hogs, or boars and shall be thoroughly washed, clean and dry in their natural colour and free from all foreign matter such as dust, dirt, ox or horse tail hair or vegetable fibres, etc.
6"	Ditto	6"	
5½"	Ditto	5½"	
5¼"	Ditto	5¼"	
5"	Ditto	5"	
4½"	Ditto	4½"	
4¼"	Ditto	4¼"	
4"	Ditto	4"	
3½"	Ditto	3½"	
3¼"	Ditto	3¼"	
3"	Ditto	3"	
2½"	Ditto	2½"	
2¼"	Ditto	2¼"	
2"	Ditto	2"	
Shorts or Riflings . .	Ditto	Less than 2¼"	

*Soft bristles are such bristles as are soft and thinner than "Deshi".

**The following colour tolerances shall be allowed :—

- (a) In grades 6½" & over to 4½", non-blacks shall not exceed 3%.
- (b) In grades 4½" to 2¼", non-blacks shall not exceed 6¼%.
- (c) In Shorts/Riflings, non-blacks shall not exceed 12½%.

†All bristles shall be "solid dressed" which term shall mean such dressing as to contain:—

- (i) Minimum of 85 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths, in the case of grade designations 6½" and over to 4",
- (ii) Minimum of 75 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths, in the case of grade designations 3½" to 2¼", and
- (iii) For grade 2¼", a minimum of 75 per cent of bristles of 2¼" length, the balance being made up of Shorts or Riflings.

SCHEDULE IX

*Draft grade designations and definition of quality of Bristles known commercially as * Soft Bristles produced in India*

(See Rules 2 & 3)

Grade designation	Special characteristics		General characteristics
	Colour**	Length †	
1	2	3	4
6½" & over	Grey	6½" & over	The bristles shall be the natural product obtained from pigs, hogs or boars and shall be thoroughly washed, clean and dry in their natural colour and free from all foreign matter such as dust, dirt, ox or horse tail air or vegeable fibres etc.
6"	Ditto	6"	
5½"	Ditto	5½"	
5"	Ditto	5"	
4½"	Ditto	4½"	
4"	Ditto	4"	
3½"	Ditto	3½"	
3"	Ditto	3"	
2½"	Ditto	2½"	
2"	Ditto	2"	
1½"	Ditto	1½"	
1"	Ditto	1"	
Shorts or Riflings	Ditto	Less than 2½"	

* Soft bristles are such bristles as are soft and thinner than "Doshi".

**All bristles which do not consist wholly of black or white bristles respectively shall be classed as "Grey". The 'Group' may also contain bristles of colours other than black and white.

†All bristles shall be "solid dressed" which term shall mean such dressing as to contain:—

(i) Minimum of 85 per cent of the specified grade designation length (called "tops") the balance being made up of the next two lower grade lengths, in the case of grade designations 6½" and over to 4".

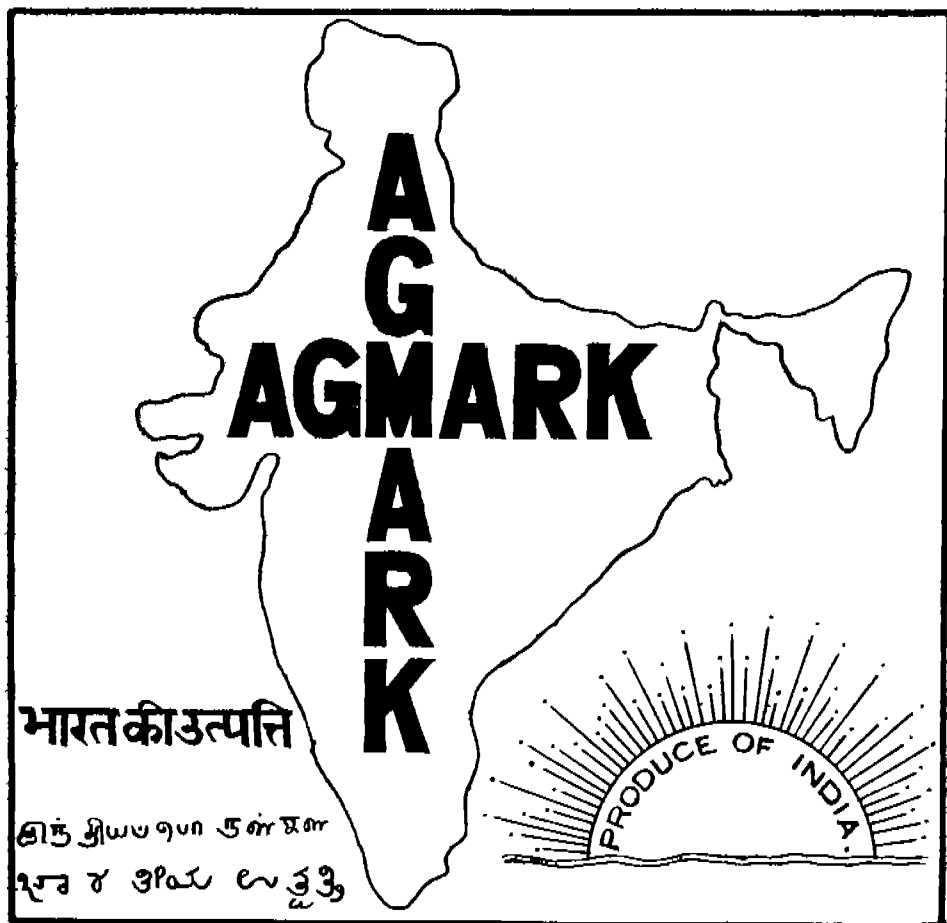
(ii) Minimum of 75 per cent of the specified grade designation length (called "tops"), the balance being made up of the next two lower grade lengths, in the case of grade designations 3½" to 2½", and

(iii) For grade 2½", a minimum of 75 per cent of bristles of 2½" length, the balance being made up of Shorts or Riflings.

SCHEDULE X

Grade designation mark for Bristles

(See Rule 4)



[No. F. 4-3/50-Marketing.]

P. M. DAS GUPTA, Dy. Secy.

MINISTRY OF EDUCATION

ARCHAEOLOGY

New Delhi, the 9th December 1950

S.R.O. 1059.—In exercise of the powers conferred by sub-section (1) of section 3 of the Ancient Monuments Preservation Act, 1904 (VII of 1904), the Central Government is pleased to declare the ancient monument (Buddhist mounds locally known as "Dhana Dibbalu") described in the annexed Schedule to be a protected monument within the meaning of the said Act.

Statute

Serial No.	Name of Monument	District, Taluk and Village	Survey No.	Extent	Owners	Boundaries
1	Ancient Buddhist mounds locally known as "Dhana Dib-bain" in the Gokivada Reserve Forest to the south-west of the Panchadharla.	District:—Visakhapatnam. Taluk :—Sarvasiddhi Village:—Gokivada Reserve Forest near Kotthuru village.	Part of the Gokivada Reserve Forest to the south-west of the Panchadharla Hills.	Acre 20.00 (approximatively).	Madras Government.	North :—Remaining part of Gokivada Reserve Forest and Panchadharla Hill. East :—Gokivada Reserve Forest. West :—Do. South :—S. No. 198, 197 and 345 of Kotthuru village.

[No. F.4-10/50-A.2.]

BINA CHATTERJEE, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 9th December 1950

S.R.O. 1060.—In pursuance of sub-section (2) of section 8 of the Drugs Act, 1940 (XXIII of 1940), the Central Government hereby gives notice of its intention to make the following amendment in the Schedule to the said Act for the purposes of Chapter III of the said Act, with effect from the 1st February, 1951.

Draft Amendment

In the entry under the heading 'Standard to be complied with' against item 4, 'Other Drugs' in the Schedule to the said Act, for the words 'latest edition of the British Pharmacopoeia' the words 'current edition for the time being of the British Pharmacopoeia' shall be substituted.

[No. F. 1-11/50-DS.]

J. N. SAKSENA, Under Secy.

MINISTRY OF TRANSPORT

New Delhi, the 6th December, 1950

S.R.O. 1061.—In exercise of the powers conferred by sub-section (3) of section 1 of the Road Transport Corporations Act, 1950 (LXIV of 1950), the Central Government is pleased to direct that the said Act shall come into force in the State of Bombay on the 6th day of December, 1950.

[No. 26-T(28)/50.]

Y. N. SUKTHANKAR, Secy.

New Delhi, the 11th December 1950

S.R.O. 1062.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946) the Central Government is pleased to direct that the following further amendment shall be made in the Motor Spirit Rationing Order, 1941, namely:—

In the said Order:—

- (a) For the proviso to Sub-clause (ii) of Clause 1, the following proviso shall be substituted, namely:—

"Provided that in the case of the State of Uttar Pradesh, it will apply only in respect of motor spirit required for purposes other than that of an aircraft."

- (b) In the third schedule after the words "West Bengal" the word 'Assam' shall be inserted.

[No. 1-PR(9)/50.]

T. S. PARASURAMAN, Dy. Secy.

MINISTRY OF COMMUNICATIONS

New Delhi, the 7th December 1950.

S.R.O. 1063.—In exercise of the powers conferred by section 5 of the Indian Aircraft Act, 1934 (XXII of 1934), the Central Government is pleased to direct that the following further amendment shall be made in the Indian Aircraft Rules, 1937, the same having been previously published as required by section 14 of the said Act, namely:—

In the said Rules, in clause (d) of sub-rule (1) of rule 154, the words and figures "under sub-rule 2 of rule 145" shall be omitted.

[No. 1-A/22-50.]

P. K. ROY, Dy. Secy.

New Delhi, the 11th December 1950

S.R.O. 1064.—Whereas in the notification of the late Railway Department (Railway Board) No. 1078-T, dated the 9th March 1929, general rules were made for all railways in British India administered by the Government and for the time being used for the public carriage of passengers, animals or goods.

And whereas the said rules were adopted by the Madras Port Trust Railway with the sanction of the Railway Board conveyed in notification No. 1078-T, dated 26th June 1929.

And whereas in the Railway Board's notification No. 809-TG, dated the 26th November 1949, published in the *Gazette of India* Part I Section 1, dated 3rd December, 1949, a certain amendment was made in the said rules.

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 47 of the Indian Railways Act, 1890 (IX of 1890) and by the Notification of the Government of India in the late Department of Commerce and Industry, No. 801, dated the 24th March 1905, the Railway Board hereby sanction the making of the said amendment in the said rules as adopted by the said Madras Port Trust Railway.

[No. 809-TG.]

S. S. RAMASUBBAN, Secy.

MINISTRY OF WORKS, MINES AND POWER

New Delhi, the 9th December 1950

S.R.O. 1065.—In pursuance of the provisions of Rule 45 of the Fundamental Rules, the President is pleased to make the following amendment in the Special Accommodation Rules 1950, issued with the Government of India, Ministry of Works, Mines and Power Notification No. WIV-15(3)/III, dated the 19th January, 1950, namely:—

For clause (a) of Rule 27, the following shall be substituted:—

“(a) Cancel the allotment of that residence to him.”

[No. 15622-WII/50.]

N. B. CHATTERJI, Dy. Secy.

MINISTRY OF LABOUR

New Delhi, the 6th December 1950

S.R.O. 1066.—Corrigendum.—In the last line of Form IX appended to the Ministry of Labour Notification No. LWI-24(16), dated the 14th October 1950 (S.R.O. 776), printed on page 797 of Part II, Section 3 of the *Gazette of India*, dated the 14th October 1950, for the word ‘defence’, the word ‘absence’ shall be substituted.

[No. LWI-24(16).]

P. N. SHARMA, Under Secy.

New Delhi, the 7th December 1950

S.R.O. 1067.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to publish the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the Management of the Digwadih colliery and Shri Jagannath Ram, a dismissed workman of the Colliery.

C. I. I. AL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.

Reference No. 4 of 1950

Parties: The management of Digwadih Colliery of Messrs. Tata Iron and Steel Company Ltd. represented through its Advocate Shri S. M. Basu, assisted by Shri B. K. Mitra, Advocate.

AND

Shri Jagannath Ram dismissed workman of Digwadih colliery represented through his advocate Shri S. S. Mukherji.

PRESENT:

Shri S. P. Varma, Barrister-at-Law, Chairman.

AWARD

This dispute which has been referred to this Tribunal by notification of the Government of India, Ministry of Labour, No. LR.2(290), dated 28th September 1950 concerns the management of Digwadih colliery of Messrs. Tata Iron and Steel Company Limited and its dismissed workman Shri Jagannath Ram. The points which have been referred to are in the following terms:

SCHEDULE

1. Whether Shri Jagannath Ram's dismissal was justified or not and whether he should be reinstated in the post held by him prior to dismissal.
2. Whether he is entitled to pay for the period from 3rd October 1949 to date of reinstatement, if reinstatement is ordered.
3. Whether he is entitled to a quarter."

2. The colliery in question to which the dismissed workman Shri Jagannath Ram belongs was represented before this Tribunal by the company's advocate Shri S. M. Basu, assisted by Shri. B. K. Mitra, Advocate. The dismissed workman was represented by his pleader Shri S. S. Mukherji.

3. The case of the workman which has been very ably argued by Shri S. S. Mukherji is as follows.

When Shri Jagannath Ram's services were dispensed with in the year 1942-43 he was re-employed in the year 1945. Then he was dismissed on 3rd October 1949 and this dismissal has given rise to the present dispute. He was living in a rented house at Bhowrah belonging to one Hamid Khan. He filed several applications for the allotment of a residential quarter to him. Then he says—and this is a matter on which the employers are at issue with him—that he was allotted a quarter by an officer of the management Shri D. Narasingh, Chief Personnel Officer. He was told verbally that if he found a vacant quarter he could occupy it and then inform the management. In March 1949 he filed an application for a quarter No. NX4 or another quarter which was allotted to Jio Gope. He occupied quarter NX4 but on 12-3-1949 (para. 5 of Jagannath Ram's written statement) the management served a notice upon him to vacate the quarter on the allegation that he had occupied that quarter forcibly and thrown out the articles in the quarter. Thereupon the worker prayed for 2 months time as his wife was in a delicate condition. Nothing was heard in reply to this application and therefore he continued in occupation of the quarter. He was suspended from 20th May 1949 to 16th June 1949. On 30th May 1949 Jagannath Ram applied either for permanent occupation of the quarter or in the alternative to be allowed to remain in it at least upto 30th October 1949. In the meantime, his wife was examined by the Lady Doctor of the company, although no reply was given to his application by the management. On 17th June 1949 a joining slip was given to him but nothing was mentioned about the application which he had already filed. A charge sheet No. 1134 was handed over to him dated 3rd September 1949 issued by the management complaining about his forcible occupation and asking him to show cause why he should not be asked to vacate the quarters by 16th August 1949. On 4th September 1949 a reply was submitted by the worker stating that he was ignorant of the theft. Then the order was passed on the 26th September 1949 dismissing him as and from 3rd October 1949.

4. It may be mentioned incidentally that a son was born to him on 20th July 1949. It was further mentioned that on the date of his dismissal he was working as a Munshi.

5. The case of the employers can be gathered from their written statement which is briefly as follows.

6. Jagannath Ram was employed as an underground trolleyman on 20th April 1943 but he was discharged on 1st June 1945 and re-employed on 6th September 1945. The employers also point out that there was a break in his service and he was in continuous service from 6th September 1945. In support of this they refer to Annexure A of their written statement (Ex. C of the Tribunal). They further state that on account of the claims of other senior or essential workers Jagannath Ram could not be given any accommodation by the management. They deny the allegation that an officer of the management had permitted Jagannath Ram to occupy a quarter. They say that on the contrary on 13th March 1949 Jagannath Ram occupied a dowrah allotted to and in possession of the miners of a miners' Sirdar named Kali Gossain and that Jagannath Ram forcibly occupied the dowrah in their absence on account of Holi holidays. The reports of Kali Gossain dated, 16th March 1949 and of the Dowrah Clerk of the Digwadih colliery have also been referred to and they are annexures B and C to the company's written statement. (Ex. D and E of the Tribunal). As he had committed, according to the management an act which amounted to a serious misconduct, he was served with a notice on 18th March 1949 asking him to vacate the dowrah. On his failure to comply with that notice he was served with a charge sheet No. 971 dated 5th April 1949. The workman prayed that either he be allotted a dowrah or in the alternative he be given two months time to vacate the dowrah because he wanted to send his family home and at the time of his reply he was out of pocket. No action therefore was taken against him till the expiry of two months from the date of his occupation of the dowrah. The charge sheet No. 971 and Jagannath Ram's reply are annexures D and E of the management's written statement. (Ex. I and E of the Tribunal). As Jagannath Ram did not vacate even after the expiry of this period he was suspended for 10 days from 20th May 1949. The management say that this was not an illegal act on the part of the management and it was not a case of victimisation, because he was suspended from 20th May as he had occupied the dowrah in defiance of the company's rules and the orders of the management. On 30th May 1949 Jagannath Ram again applied either for an allotment of a dowrah or in the alternative for further extension upto 31st October 1949. On this date he offered to vacate the quarter and if he did not vacate the dowrah on 31st October 1949 he said, his services would automatically terminate on 1st November 1949. This application of his is Annexure E to the management's statement. (Ex. E of the Tribunal). On the intervention of some of the members of the I.N.T.U.C. a Lady Doctor was deputed to examine the condition of his wife and further time was extended upto 15th August 1949. The management deny the fact that he was allowed to be in permanent occupation of the dowrah as stated in paragraph 11 of the workman's statement. He was allowed to continue in occupation only for two months which period expired on 15th August 1949. When he did not vacate the dowrah even after the expiry of that period a charge sheet No. 1134 dated 3rd September 1949 was drawn up against him for the continued offence of remaining in forcible occupation of the dowrah and he was finally discharged on 3rd October 1949. The Charge Sheet is Annexure F of the management's statement of claim, (Ex. F. of the Tribunal), and runs as follows:

Charges

"Show cause why disciplinary action should not be taken against you for your having failed to give us vacant possession of the quarter on the 16th August 1949 which is the date of expiry of the extension period that was given to you to vacate the quarter under your unauthorised possession.

Sd. N. N. Kapoor,

3rd September, 1949

Manager, Digwadih Colliery."

The management denies the allegation that he was discharged without any warning or without any proper enquiry. They also deny that the dowrahs are allotted on the basis of corruption or party politics. The management allege that they allot dowrahs on the grounds of seniority or essentiality of service of the employees. The allegation that workers do occupy vacant quarters occasionally is not denied. But it is stated that no action was taken in the case of workers forcibly occupying management's quarters before 1st April 1948. But in cases occurring after that date action was taken or is being taken. They submit that even if some employees

have been provided with dowrahs although they had a shorter length of service to their credit it was on grounds of essentiality of their service. But that did not justify Jagannath Ram to continue in forcible occupation. They also point out that at one stage at the intervention of the Conciliation Officer, the management had agreed to re-employ Jagannath Ram as a Trammer but refused to reinstate him with effect from the date of his discharge. The management contend that it was not a case of reinstatement as he had committed a serious act of misconduct by continuing in occupation of company's quarters without permission.

7. On behalf of the workman Jagannath Ram himself was examined and Ex. 1(a) was brought on record through him. On behalf of the employers I may mention that Shri D. Narasingh, Chief Personnel Officer, Shri Kali Gossain, Malakata Sirdar, Ramji Ohja, Attendance Clerk and Shri S. C. Ghosh, Superintendent of Tata Collieries and a Police Officer Shri S. Banerji of Jourapukur police station, have been examined, cross-examined and re-examined.

8. A number of documents have been exhibited before the Tribunal on behalf of the management.

9. The first point that has to be considered is whether Jagannath Ram occupied the dowrah NX4 forcibly and whether he continued in spite of the orders of the management to vacate and whether his action amounted to misconduct. If it amounts to misconduct on his part was it a case of victimisation by the management. If it is not a case of misconduct of victimisation what orders should be passed by me in this case. Jagannath Ram in his statement says that he was permitted by the Chief Personnel Officer to occupy the Dowrah originally occupied by Jio Gope. Now there is no written authority produced by Jagannath Ram. On the other hand, we have got the evidence of the Chief Personnel Officer Shri D. Narasingh who denies having given any such permission. He points out in his evidence that at the time of the alleged forcible occupation by Jagannath Ram the dowrah NX4 was in the possession of Kali Gossain and his miners. He also says that oral permissions are not given for the occupation of dowrahs. Then there is the evidence of Kali Gossain witness No. 2 for the management who says that various entries were made in the dowrah register to show that at the time when this forcible entry by Jagannath Ram took place the dowrah NX4 was in the occupation of Kali Gossain and his miners to whom it had been allotted. The miners had gone during the Holi festival to their homes on leave. The evidence of Kali Gossain who although that of an ex-convict can be relied upon if his evidence is supported by other circumstances and contemporary documentary evidence. In his statement before the Tribunal he has talked of the removal of shovels, baskets, picks, etc. in charge of the miners. On this point that the quarter was forcibly entered into by Jagannath Ram, Kali Gossain gets support from an independent source, and that is the entry in the police diary dated 13th March 1949. It is entry No. 291 of that date. It is Exhibit J. The police did not move in the matter but the entry itself shows that as no cognisable offence was made out, the party was informed and advised to go to the Court or to the management. So far as the question of removal of the things contained in the house is concerned, I do not find any mention of it in Exhibit J. Therefore I would not attach any importance to that portion of the statement of Kali Gossain. Then there is another piece of evidence which supports this story of forcible occupation by Jagannath Ram and that is the evidence of Ramji Ohja who says that when he first visited that area the dowrah was locked up but later on he found the lock broken and Jagannath Ram in it. On these materials I have no difficulty in coming to the conclusion that the Dowrah NX4 was occupied forcibly by Jagannath Ram, and that without the permission of the Chief Personnel Officer, Shri D. Narasingh.

10. But the matter does not rest there. Evidently it appears that when the management after the medical examination of Jagannath Ram's wife by a Lady Doctor allowed him to stay for a certain period, they condoned this forcible entry at least for that period. The management have produced the charge sheet No. 1134 which runs as follows:

"Show cause why disciplinary action should not be taken against you for your having failed to give the vacant possession of the quarter on the 16th August 1949 which is the date of expiry of the extension period that was given to you to vacate the quarter under your unauthorised possession."

In this the management propose to take action in the absence of any proper explanation for his continuing in occupation of the dowrah after the 16th August

1949. That Jagannath Ram did continue in the dowrah after the 16th August 1949 when he was asked to vacate, has not been questioned. The Standing Order of the company which is Ex. B of the Tribunal defines misconduct as follows:

"Section 11.—Without (although the copy filed by the company shows 'with' it should mean 'without') prejudice to the general meaning of the term 'Mis-conduct' it shall be deemed to mean and include the following:—

Sub-Section 15.—Unauthorised use of the Company's quarters."

11. Shri S. S. Mukherji appearing on behalf of the workman has urged:

1. That the workman was a permanent workman.
2. Although he was senior employee, quarters had been allotted to those employees who are junior to him.
3. He also drew attention of the Tribunal to a passage in the Conciliation Board Award that Trammers are entitled to preferential treatment.
4. That there is no system of allotment of dowrahs. The allotments are usually arbitrary, and governed by favouritism and party politics.
5. That this case comes within the description of a case of victimisation and unlawful dismissal.
6. Lastly he attempted to point out that the workman has not violated any rule or Standing Order.

So far as the 1st, 2nd and 3rd points mentioned above are concerned there is no difficulty in agreeing with his contention but with regard to the 4th point it is amply borne out by the evidence that the allotment of dowrahs is not so arbitrary as Shri S. S. Mukherji would ask this Tribunal to believe. The evidence of Shri S. C. Ghosh, Superintendent of Collieries, Tatas, and Shri D. Narasingh, Chief Personnel Officer, Tatas, and incidentally of some of the other witnesses show that Dowrahs are allotted on grounds of seniority or essentiality of the service of the employees. That being so the continuance of Jagannath Ram after he was asked to vacate will come within the definition of misconduct. Shri S. S. Mukherji urges further that the Standing Orders of the company have not been certified and in the case of some other collieries this particular item has been deleted. This is not of much help to the worker. That Jagannath Ram knew that there was such a rule and he was also aware of the consequences that would follow upon the breach of such a rule is clear. There is a letter marked Ex. E which runs as follows:

"On the strength of this I again pray your honour to kindly consider my case and either allot me the dowrah permanently or to grant me a further extension upto the 31st October 1949. I herewith guarantee that under any circumstances I will not ask for any favour in case the extension is only sanctioned by your honour and my services will automatically cease from the 1st of November 1949, if I do not vacate the dowrah."

The above passage disposes of the grounds urged by Shri S. S. Mukherji about Jagannath Ram's knowledge or the uncertainty of the conditions under which the Dowrahs are allotted to the workmen.

The next point that has to be considered is whether it is a case of victimisation and if for certain reasons Jagannath Ram is to be reinstated whether he is entitled to his pay from the date of his dismissal to the date of re-instatement. Although I have no hesitation in holding his continuing in the occupation of the dowrah in spite of the orders of the management to vacate amounts to misconduct, the question still remains whether a punishment of the kind meted out to him should be awarded in the special circumstances of the case. He was in difficulties about quarters on account of the delicate condition of his wife. He did occupy Dowrah NX4 without any authority as I have held above. But his initial occupation of the dowrah was practically condoned by the management, and they acted very generously in this matter. But Jagannath Ram's action after he was asked to vacate by a certain date amounts to misconduct. I think that this conduct is not of such a nature as to call for such a severe sentence. I will therefore give the award

that Jagannath Ram should be reinstated and being a member of one of the essential services he should be allotted a dowrah, if he cares to join the service, from the date of his joining his service. From the written statement of the company under para. 11, last sentence, I find that at one stage the company itself was prepared to re-employ him as a trammer but re-employment would amount to a break in his service and affect his seniority. As his action amounts to misconduct I would not pass an award granting any pay from the date of dismissal till the date of his joining. A similar award was given in a case between Bihar Cotton Mills Ltd. Phulwarisharif, Bihar, and their employees (Published in the Labour Law Journal, Vol. 2, issue No. 1, dated January 1950 at page 33 under question No. 10 of that award.)

12. In giving this award I am also taking into consideration the attitude of the management which appears from the letter which was addressed to the management by the Regional Labour Commissioner (C), Dhanbad, No. D.O. No. RLC/IC-5(1) dated 19th June 1950 which is attached to the statement of the worker.

13. I would therefore dispose of the Reference in the following manner:

1. I would hold that he should be reinstated.
2. I allow him no pay from the date of his dismissal till the date of his joining the post.
3. I would order that he should be allotted a quarter on his joining the post if at all he cares to join.

I would therefore give my award in terms aforesaid.

[No. LR-2(290).]

Sd. S. P. VARMA,

Chairman.

Central Government Industrial Tribunal, Dhanbad.

Dated the 1st December 1950

New Delhi, the 8th December 1950

S.R.O. 1068.—In exercise of the powers conferred by Section 5 of the Industrial Disputes (Appellate Tribunal) Act, 1950 (XLVIII of 1950), the Central Government has been pleased to appoint with effect from the 13th November 1950 Shri N. S. Lokur, Chairman Railway Rates Tribunal, as a member of the Labour Appellate Tribunal constituted by the notification of the Government of India in the Ministry of Labour No. LR-91(2)/I, dated the 8th August 1950.

[No. LR-91(40).]

S. MULLICK, Dy. Secy.

ORDER

New Delhi, the 7th December 1950

S.R.O. 1069.—Whereas an industrial dispute has arisen between the United Commercial Bank Ltd. and its workmen represented by the U.P. Bank Employees' Union, Agra, in respect, so far as the Central Government is aware of the matters specified in the Schedule hereto annexed:

And whereas the Central Government considers it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to refer the said dispute for adjudication to the Industrial Tribunal at Calcutta, constituted under section 7 of the said Act.

SCHEDULE

1. Whether the termination of the services of Messrs. P. M. Rohtagi, Gulab Shankar, Mani Ram and Devi Ram on the 29th November 1950 from the Agra

Branch of the Bank in preference to other junior men from any other Branch was not just and equitable and these men should be reinstated.

2. Whether the termination of the services of Mr. S. S. Chaturvedi from the Agra Branch of the Bank was not justified having regard to the fact that he was reinstated in service only on the 25th September 1950 under the directions of the All India Industrial (Bank Disputes).

[No. LR-90(76).]

S. C. AGGARWAL. Dy. Secy